

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**ST. PAUL TRAVELERS INSURANCE  
COMPANY LTD.,**

**Plaintiff,**

**- against -**

**M/V MADAME BUTTERFLY, et al.,**

**Defendants.**

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6-16-09**

**MEMORANDUM  
OPINION AND ORDER**

**08 Civ. 410 (JGK) (RLE)**

**RONALD L. ELLIS, United States Magistrate Judge:**

Following submissions by the Parties and a telephonic conference with the Court on June 15, 2009,

The Court finds that Defendant OST Trucks & Cranes ("OST") has failed to demonstrate reasonable diligence for the failure to produce its Supplemental Production in advance of the depositions of its witnesses. Moreover, as expert reports have now been exchanged, it would be prejudicial and inefficient to allow additional fact discovery.

**IT IS THEREFORE ORDERED** that OST **SHALL BE PRECLUDED** from relying on any documents contained in its Supplemental Production.

**SO ORDERED** this 16th day of June 2009  
New York, New York



**The Honorable Ronald L. Ellis  
United States Magistrate Judge**